



Legislation Text

File #: 15-456, **Version:** 1

PLN15-0011; Conditional Use Permit; to allow for a State Licensed Day Care Center for up to 22 children within an existing portable building at St. Felicitas Catholic School, 1650 Manor Boulevard. Day Care Centers are a conditionally permitted use on the subject property which is in the RS Residential Single-Family District. Alameda County Assessor's Parcel Number 80G-1395-2-9; St. Felicitas Catholic School (applicant); Oakland Diocese Schools (property owner).

1. Adoption of Exemption under Article 19, Section 15301 (a) of the California Environmental Quality Act.
2. Adoption of Findings of Fact for Approval of PLN15-0011.
3. Approval of Conditional Use Permit PLN15-0011, subject to conditions.

SUMMARY AND RECOMMENDATION

The applicant and property owner propose to establish a State Licensed Day Care facility for up to 22 pre-school aged children within an existing stand-alone building previously used as a classroom. The subject property is zoned RS Residential Single-Family District. The proposed use requires a Conditional Use Permit in the RS District pursuant to Zoning Code Section 2-506.B.3.

Staff believes that, with the recommended conditions of approval, the day care center could operate in a safe manner on the property without detriment or burden to the immediate area and would be compatible with adjacent residential uses. Staff recommends that the Board of Zoning Adjustments A) adopt the California Environmental Quality Act categorical exemption, B) adopt the recommended Findings of Fact, and C) approve Conditional Use Permit PLN15-0011 subject to the attached recommended Conditions of Approval.

APPLICANT'S SUPPORTING STATEMENT

See attached statement.

RELATIONSHIP TO SURROUNDING AREA AND BACKGROUND

The subject property has housed the St. Felicitas Catholic Church and School since the 1950's, on an approximate six-acre site that fronts on Manor Boulevard and extends to Dayton Avenue at the rear. It is zoned RS District as are all the surrounding properties, which are appropriately developed with single-family homes.

DETAILS OF PROPOSAL

St. Felicitas Catholic School shares a 6.2 acre site with St. Felicitas Catholic Church, which fronts on Manor Street and extends south to Dayton Avenue. The school operates from four larger buildings and three smaller buildings on the rear two-thirds of the property. The site is accessed by a single, one-way driveway from Manor Boulevard and exits onto Dayton Avenue at the rear. Along the driveway are approximately 100 parking spaces; mostly diagonal spaces along the west side and parallel curb spaces along the east side. Two large playgrounds double as parking during non-school hours and provide an additional approximately 100 parking spaces.

The applicant currently serves 200 families at their K-8 school. They are proposing the preschool program to run concurrent with their regular school year and school hours so that they may be able to provide existing families with preschool aged children to have all their children at one place. The concurrent hours are 8 a.m. to 3 p.m., with drop off from 8-8:30 a.m. and pick up from 2:30- 3 p.m. They will not be offering half-day care.

The number of children permitted at a day care facility is limited by a State licensing requirement allotting 35 square-feet per child. In this case, the proposal is to reuse an existing, stand-alone classroom of approximately 900 square feet in area, which would limit the maximum to 22 children. No expansion of the building is necessary to accommodate the use, and minor exterior changes were recently completed with appropriate permits to modify the bathroom to accommodate pre-school aged children as well as to be compliant with American's With Disabilities Act requirements. There will be three staff members associated with the day care.

As part of State licensing, an enclosed outdoor play area separate from the older, school-aged children, is required. This will be created in an existing play area with shade trees, near the preschool room and enclosed by a four-foot tall steel and fabric fence.

STAFF ANALYSIS

Conditional Use Permit

The proposed preschool is a commercial child-care facility which is also regulated by the State of California and requires that the operation be managed by a licensed child care provider, in this case, St. Felicitas Catholic School.

Parking, Access and Circulation

Parking requirements are met at the site. The parking requirement for "general day care" is one space for every six children, plus one space per employee. This equates to a total of seven spaces required for the proposed project. State day care licensing requires that children be walked into the facility by an adult. The site has approximately 100 parking spaces available during school days, and there are the required seven and more parking spaces immediately adjacent to the proposed preschool building.

The site is served by a one-way driveway from Manor Boulevard, through to Dayton Avenue. The Fire Department and the Engineering and Transportation Department have reviewed the proposed plans, including the layout of the new enclosed outdoor play area, and have found that access and site circulation is adequate.

Noise

Noise impacts from the proposed daycare center should be minimal, both with regards to the outdoor play area as well as the drop-off and pick up activities. Drop-off and pick-up will not be increased from the current levels since the pre-schoolers will all be siblings of the existing school aged children being drop-off. Potential noise issues from the new, required outdoor play area should be minimized by its setting in the 'middle' of the property, with the nearest adjacent single family home developed property more than 80 feet away (to the east), and buffered by the preschool building to the west, and where the nearest yard of a single family home is approximately 140 feet away.

Fire / Building Code

Both the Fire Department and Building Safety have reviewed the proposal and approved a building permit for the minor changes necessary to the restroom based on the ages of the children. The facility will not be able to open until the State Community Care Licensing has received the final inspection approval from the Fire Department.

GENERAL PLAN CONFORMITY

The proposed use conforms to the General Plan, which designates the property for Low Density Residential and is the predominant residential development type in San Leandro, intended for detached single-family homes on lots of 5,000 to 10,000 square feet. As General Day Care is conditionally permitted in RS Residential Single-Family districts, the Zoning Code accepts the conditional compatibility of this use with the Low Density Residential designation. The day care use ensures that the following General Plan goal is achieved:

Goal 48.01 - Child Care - Increased Availability of Services - Increase the availability of affordable and accessible child care and after school activities, with an emphasis on center-based child care for infants and toddlers.

The proposed day care center will provide care for up to 22 children. The days and hours of operation, as well as

limitations on outdoor play hours will help ensure that the day care activities are complementary in time and scale with the surrounding residential uses and should not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the area.

The site is adequately accessed with an existing driveway and adequate off-street parking. This use will not increase the burden on existing public facilities or infrastructure and meets the criteria for the Conditional Use Permit, as well as the above listed General Plan Policies.

ENVIRONMENTAL REVIEW

This item is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15301 (a) as it is an Existing Facility that involves no expansion; interior and exterior alterations; and is not located in an environmentally sensitive area. This item is also in an area where all public services and facilities are available to allow for maximum development.

PUBLIC OUTREACH

This item received normal noticing for the August 6, 2015 BZA hearing, including a legal advertisement in the Daily Review newspaper, the posting of placards on the property and nearby utility poles, and mailing notification to business and property owners within 500 feet of the subject property. In addition, a meeting notice was mailed to the Washington Homeowners Association.

RECOMMENDATION

The use as proposed conforms both to the City Zoning Code and to the General Plan. Any planning issues associated with this application will be mitigated by the implementation of the proposed conditions of approval. Staff therefore recommends that the Board of Zoning Adjustments:

- A. Adopt the findings that this project is exempt under the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15301 (a) for Existing Facilities with no expansion;
- B. Approve the attached Recommended Findings of Fact for a Conditional Use Permit for PLN15-0011; and
- C. Approve Conditional Use Permit PLN15-0011 subject to the Recommended Conditions of Approval.

ATTACHMENTS

Vicinity Map
Aerial Photo of 1650 Manor Boulevard and Vicinity
Applicant's Supporting Statement
Recommended Findings of Fact
Recommended Conditions of Approval
Exhibit A - Site/Key Plan
Exhibit B - Floor Plan/Interior Elevations

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